

YOUTH SERVICES POLICY

Title: Mandatory Reporting of Abuse and Neglect of Youth Next Annual Review Date:	Type: C. Field Operations Sub Type: 4. Juvenile Institutions Number: C.4.3
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References: Applicable Adopted Standards; La. R.S. 14:403; Ch.C. Articles 603, 609 and 610; LSA Code of Evidence Art. 511; YS Policy Nos. A.1.4 "Project Zero Tolerance - A Balanced Approach to Reducing Violence", A.2.1 "Employee Manual," C.5.1 "Performance Data and Information" and C.2.6 "Use of Force"	
STATUS: Approved	
Approved By: <i>Simon Gonsoulin, Deputy Secretary</i>	Date of Approval: 06/14/2007

1. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405.

2. PURPOSE:

To establish the Deputy Secretary's policy to provide for the safety and well-being of youth housed in secure facilities.

3. APPLICABILITY:

Deputy Assistant Secretaries and Facility Directors and staff serving youth in secure facilities. It is each Director's responsibility to implement this policy and convey its contents to all staff and youth.

4. DEFINITIONS:

Abuse - Any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

- The infliction, attempted infliction, or as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person;
- The exploitation or overwork of a child by a parent or any other person;
- The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or the caretaker of the child's sexual involvement with any other person or of the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this state [Ch.C. 603(1)].

Caretaker - any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private day care center, an operator or employee of a family day care home, or other person providing a residence for the child (Ch.C.603).

Mandatory Reporter - Any of the following individuals performing their occupational duties:

- health practitioner;
- mental health/social service practitioner;
- teacher or child care provider;
- police officers or law enforcement officials;
- commercial film and photographic print processor;
- mediators appointed pursuant to Chapter 6 of Title IV of the Louisiana Children's Code; and
- members of the clergy, subject to the exceptions noted in La.R.S. 14:403.B and Ch.C. Article 603.3(c).

Neglect - The refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. (Ch.C. 603.14)

5. POLICY:

It is the Deputy Secretary's policy that Youth Services staff shall abide by the mandatory reporter laws as reflected in Ch.C. Articles 603, 609, and 610; and La. R.S. 14:403, which require that facility personnel working with youth who become aware of abuse and neglect take appropriate measures based upon their belief that abuse or neglect has occurred.

6. REPORTING:

Youth Services employees are to sign a statement [Attachment C.4.3(a)] acknowledging that they are mandatory reporters and are aware of their obligations under the law.

As mandatory reporters, when an employee has cause to believe that a youth's physical or mental health or welfare is endangered, he must file a report [Attachment C.4.3.(b)] with the local office of the Child Protection Unit of the Department of Social Services (DSS). The reporter must advise his supervisor of any incident reported to DSS and provide copies of report to the Director and to the facility's investigative office.

7. INVESTIGATION:

Any person who believes that an incident of abuse or neglect has not been adequately addressed or resolved through routine procedures may make a written request to the Director, asking that an investigation be conducted.

8. TRAINING:

Employees will receive annual training on this policy.

Previous Regulation/Policy Number: C-04-005 / C.4.3
Previous Effective Date: 01/17/2001



Attachments/References: C.4.3 (a) Mandatory Reporter Statement 6-14-07.doc



C.4.3 (b) Mandatory Reporter Procedure 6-14-07.doc